

February 4, 2016

The Honorable Robert McDonald  
Secretary  
Department of Veterans Affairs  
810 Vermont Avenue NW  
Washington, D.C. 20420

Dear Secretary McDonald:

Congress passed and the President signed the bipartisan Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113-146) (“Choice Act”), in response to veterans waiting months and years for an appointment with a doctor. The Veterans Choice Act was created to solve that problem. Yet, as Chairman of the Senate Committee on Appropriations Subcommittee on Military Construction, Veterans Affairs, and Related Agencies, I continue to hear that healthcare providers under the Choice Act are not receiving timely payments for their services to veterans. Veterans are still not accessing basic diagnostic testing like CAT scans, MRIs, and are having trouble accessing primary care. I consistently hear reports that the Department of Veterans Affairs is delaying the process of veterans’ requests to use the Choice Act, delaying the approval of provider participation in Choice, and delaying payments to participating providers.

Implementation of the Veterans Choice Act appears to be another systemic failure in the VA, substantiated by the report released today, February 4, *“Veterans Health Administration, Review of Alleged Untimely Care at the Community Based Outpatient Clinic in Colorado Springs, CO.”*

**“We substantiated the allegation that the veteran, as well as other eligible Colorado Springs veterans, did not receive timely care in the six reviewed services. We reviewed 150 referrals for specialty care consults and 300 primary care appointments. Of the 450 consults and appointments, 288 veterans encountered wait times in excess of 30 days. For all 288 veterans, VA staff either did not add them to the Veterans Choice List (VCL) or did not add them to the VCL in a timely manner. For 59 of the 288 veterans, scheduling staff used incorrect dates that made it appear the appointment wait time was less than 30 days. For 229 of**

**the 288 veterans with appointments over 30 days, NVCC staff did not add 173 veterans at the CBOCs in the Eastern Colorado Health Care System (ECHCS) to the VCL in a timely manner and they did not add 56 veterans to the list at all. In addition, scheduling staff did not take timely action on 94 consults and primary care appointment requests. As a result, VA staff did not fully use Veterans Choice Program funds to afford CBOC Colorado Springs veterans the opportunity to receive timely care.”**

The Veterans Choice Act is supposed to give our veterans care in their community, which makes their access to care less burdensome. I want to know how the VA plans to address these issues and ensure that all veterans have access to the Choice Act envisioned by Congress with a comprehensive provider network.

VHA has repeatedly insisted that the unique needs of combat veterans dictates the existence of a stand-alone, independent care network embodied by VA. Unfortunately, given the VHA's demonstrated inability to provide even basic care, let alone comprehensive services, I find it particularly disappointing that VHA continues to stymie the private sector's attempts to address veteran patient needs. Until the VA begins to pay providers in a prompt manner, the Choice Act will not work and our veterans will not receive the care they deserve.

Our veterans, who bravely served our country, deserve the best medical care available and at the very least deserve their leaders' attention to people and systems that obstruct them from receiving that care.

Sincerely,

Mark Kirk  
United States Senate